

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14213 of Janann Joslin Medeiros, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use all floors of the subject premises as offices of professional persons, labor unions, non-profit organizations or international organizations in an SP-1 District at premises 1715 N Street, N.W., (Square 158, Lot 800).

HEARING DATE: December 12, 1984

DECISION DATE: December 12, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located as the north side of N Street five structures removed from the northwest corner of the intersection of N and 17th Streets and is known as premises 1715 N Street, N.W. The site is located in an SP-1 District.

2. The subject lot is approximately rectangular in shape. Its width is an average of eighteen feet. Its depth is 94.76 feet on the west and ninety feet on the east. The lot area is approximately 1,662.84 square feet.

3. The subject property is located within the Dupont Circle Historic District.

4. The site is improved with a four story stone and brick structure to which a two story brick section is appended at the rear. The structure measures approximately 43.5 feet in height and covers approximately seventy percent of the lot. It contains approximately 3,374.6 square feet of gross floor area and is currently used for residential purposes. To the rear of the subject structure are two parking spaces which meet the size requirements of the Zoning Regulations. These spaces are accessible by way of a public alley of varying widths.

5. The square and the surrounding neighborhood are developed primarily with rowhouses, many of which have been converted to office uses. Some medium density buildings are located in the area and are used as hotels and apartment buildings as well as offices. St. Matthews Cathedral is located on the south side of the square. Institutional and mixed uses are located in the nearby area. The predominant use in the subject block of N Street is office use.

6. The SP-1 District in which the site is located adjoins a C-3-C District to the west that extends along Connecticut Avenue. An SP-2 District is located along Massachusetts Avenue approximately one block to the north.

7. The owner has leased the property contingent upon the approval of the BZA to the law firm of Ward, Lazarus, Grow & Cihlar. The lessee is seeking permission from the Board to use the subject structure as offices in conjunction with its current law offices located immediately adjacent to the subject structure to the east at 1711 N Street, N.W. Since locating its offices at 1711 N Street in 1982, Ward, Lazarus, Grow & Cihlar has grown in size from six lawyers and three clerical staff, nine employees in total, to eleven lawyers, one law clerk, and five clerical staff, seventeen employees total. Additional office space is necessary to accommodate current needs as well as future growth. There will be a direct connection between the two structures.

8. The lessee has an international corporate practice. No more than two clients a week visit the present office. The clients arrive at the law office by taxicabs or livery service from the airport.

9. The lessee proposes to renovate and restore the subject structure. The lessee also proposes a one story addition to the two story section appended to the rear of the subject structure. The one story addition will add 531.6 square feet of gross floor area to the subject structure for a total gross floor area of 3,906.1 square feet. Upon completion of the addition, the structure will have a floor area ratio of 2.35. A maximum office FAR of 2.5 is permitted in an SP-1 District.

10. At premises 1711 the trash is stored in containers and disposal is provided through an independent contractor.

11. Because the subject structure is located within the Dupont Circle Historic District, the proposed addition and any facade changes require review by the Historic Preservation Review Board (HPRB). Final approval of all proposed changes rests with the Mayor's Agent upon consideration of the HPRB's recommendation. The proposed addition received conceptual design approval from the HPRB on October 13, 1984.

12. The applicant is seeking a special exception under Paragraph 4101.44 the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of that section. In addition, the applicant must demonstrate that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and

will not tend to affect adversely the use of neighboring property.

13. Paragraph 4101.44 permits through a special exception an office for an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person provided that the use, height, bulk and design are in harmony with existing uses and structures on neighboring property and that the use will not create dangerous or other objectionable traffic conditions. The Board may also require such special treatment in the way of design, screening of buildings, accessory uses, signs and other facilities as it shall deem necessary to protect the value of neighboring property.

14. The use, height, bulk and design of the subject structure are in harmony with existing uses and structures on neighboring property. The subject square and surrounding area are developed primarily with three and four story rowhouses most of which have been converted to professional offices. The structure is likewise a four story rowhouse, and the proposed one story addition will not increase the overall height of the structure above its current height of 43.5 feet. Further, review of the structure's design by the HPRB and approval of the design by the Mayor's agent under D.C. Law 2-144, The Historic Landmark and Historic District Protection Act of 1978, assures design harmony and compatibility with the surrounding area.

15. If 250 square feet of office space is allocated per employee, fifteen people can be housed in the subject 3,906 square foot structure. This is slightly more than the eleven employees projected by the applicant. Using the Council of Government's modal split, fifteen employees generate approximately three to four automobile trips to the site daily exclusive of visitors. Sub-section 7202.1 of the Zoning regulations requires one off-street parking space per 1,800 square feet of gross floor area of office exclusive of the first 2,000 square feet. Thus, based on the regulations, one off-street parking space is required. The applicant's plans depict two spaces to the rear of the subject structure accessible by way of a public alley. These spaces currently meet the appropriate standards for paving and maintenance. The Board will require the continued provision of these spaces at the appropriate standards.

16. The applicant's expert traffic witness testified that N Street is a one-way eastbound street, approximately thirty feet wide, with parking permitted on both sides. It terminates one-half block east of 17th Street at Bataan Street. It carries an average daily traffic volume of 2,500 vehicles past the subject site. The intersection with 17th Street is controlled by a stop sign, with N Street traffic

yielding the right-of-way to 17th Street traffic. Seventeenth Street is approximately fifty feet wide, carrying four lanes of traffic. It operates one-way southbound south of Massachusetts Avenue during the morning rush hours, and two-way at all other times. North of Massachusetts Avenue it operates one-way at all times. It carries an average daily volume of approximately 13,900 vehicles. The intersections of 17th Street with Massachusetts Avenue and with M Street are signalized. The level of service at the former intersection is D. At the latter intersection, it is C. At 17th and N Street, the level of service is A. At Connecticut Avenue and N Streets, the level of service is D.

17. The traffic witness further testified that Metro-rail service is available 1,400 feet away at Dupont Circle a 5 minute walk and 1,900 feet away at Farragut North, a six and one-half minute walk, both serving the Red Line. Metrobuses 42, L2, L3, L7, and L9 operate on Connecticut Avenue, one block to the west, and Metrobuses S1, S2, S3, S4, and S5 operate on 16th Street, one block to the east.

18. The traffic witness further surveyed public parking facilities of the area within a two-block radius of the subject site from 15th Street to 19th Street and from L Street to P Street. The results of this survey evidenced that there were 307 metered curb spaces, twenty-nine free curb spaces, 116 residential permit spaces, 165 off-street lot spaces and 3,010 off-street garage spaces. The proposed eleven employees would generate two automobile trips to the site on an average day.

19. The witness concluded that neither the trip generation nor the parking demands for the occupants and visitors at 1715 N Street, N.W. would have an adverse impact on the surrounding area. From a traffic engineering viewpoint, the proposed use of the subject site would be appropriate. The Board concurs in the findings and recommendation of the traffic witness, based on the described characteristics of the law firm and the number of employees proposed to occupy this building. The Board will limit approval of the application to the proposed occupant and to eleven employees, so as to avoid any adverse impact that might result from traffic from another law firm having different characteristics or more employees.

20. A representative of the law firm testified that trash is currently contained in trash cans on the property at 1711 N Street. He indicated that trash can be stored in containers either on the subject site or at the present location on the adjoining property. No trash storage containers will be located in the public alley.

21. The Office of Planning, by report dated December 5, 1984, recommended approval of the application. The

Office of Planning reported that the approval of this application will not affect adversely neighboring properties because both the proposed use and structure, inclusive of the one story addition, are compatible with existing neighborhood conditions. The Office of Planning also concurred with the report of the Department of Public Works, stated below. The Board concurs with the recommendation and reasoning of the Office of Planning.

22. The Department of Public Works (DPW), by memorandum dated December 5, 1984, reported that, as to the street system, N Street is a thirty-two foot-wide local street running one-way eastbound. Two-hour metered parking is allowed from 7:00 A.M. to 6:30 P.M. on both sides of the street. Seventeenth Street is a principal arterial, with an average daily traffic volume of 15,000 vehicles near the site. South of Massachusetts Avenue, the fifty-six foot wide roadway operates one-way southbound during the morning peak period. At all other times, it operates as a two-way street with two moving lanes in each direction. Two-hour metered parking is allowed from 9:30 A.M. to 4:30 P.M. on both sides of the street. Eighteenth Street is a thirty-two foot wide collector street. Two-hour metered parking is allowed from 7:00 A.M. to 4:00 P.M. on the east side. Parking is prohibited on the west side at all times.

23. The DPW further reported that the subject site is well serviced by public transportation as found in the report of the applicant's traffic witness. The DPW was of the opinion that because of the close proximity of the site to excellent transit service, as well as to several commercial parking facilities in the area, it did not expect this project to have any adverse impact on the surrounding street system. The Board concurs.

24. Advisory Neighborhood Commission 2B filed no recommendation on the application.

25. An individual, also a member of the Dupont Circle Citizens Association, testified that the Zoning Committee of the Dupont Circle Citizens Association voted to oppose the application on the grounds that the granting of the application would result in loss of residential space. No official recommendations of the Dupont Circle Citizens Association was filed in the record. The Board finds that the applicant seeks relief through a special exception which does not require that the applicant prove that the subject structure cannot be used for residential purposes.

26. There were letters of support of record. The grounds for the support of the application were that the proposed use would be in harmony with the existing uses on N Street and would not create any objectionable conditions to neighboring properties. The Board concurs.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 4101.44 and that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and not tend to affect adversely the use of neighboring property. The Board includes that the applicant has met the burden of proof. The proposed use, height, bulk and design are harmonious with existing use and structures on neighborhood properties and the proposed use will not create dangerous or other objectionable traffic conditions. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be limited to use of the subject premises by the lessee, Ward Lazarus, Grow and Cihlar.
- B. The number of employees occupying the subject premises shall not exceed eleven.
- C. The parking area at the rear of the subject premises shall comply with the appropriate standards of the D.C. Department of Public Works.
- D. Trash shall be stored in containers located on the subject lot or on the adjacent lot at 1711 N Street, N.W.

VOTE: 5-0 (Lindsley Williams, William F. McIntosh, Charles R. Norris, Douglas J. Patton and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 20 FEB 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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